



Docket No. 037422.P012

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:

SHAWN X. GAO, ET AL.

Serial No.: 09/972,407

Filed: 10/05/2001

For: **DEVICE FOR PRESENTING  
ACOUSTICAL AND VIBRATORY STIMULI  
AND METHOD OF CALIBRATION**

Art Unit: 2644

Examiner: Lee, Ping

**RECEIVED**

OCT 08 2004

Technology Center 2600

**AMENDMENT**

Mail Stop: Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In response to the outstanding Office Action mailed March 25, 2004, please amend the above-referenced application as set forth below. Applicant requests a three-month extension of time in which to respond to the Office Action.

10/04/2004 EFLORES 00000036 09972407

01 FC:2253

475.00 OP



## TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

9

Application No.

09/972,407

Filing Date

October 5, 2001

First Named Inventor

Shawn X. Gao

Art Unit

2644

RECEIVED

OCT 08 2004

Examiner Name

Lee, Ping

Technology Center 2600

Attorney Docket Number

37422P012

### ENCLOSURES (check all that apply)

Fee Transmittal Form

Fee Attached

Amendment / Response

After Final

Affidavits/declaration(s)

Extension of Time Request

Express Abandonment Request

Information Disclosure Statement

PTO/SB/08

Certified Copy of Priority Document(s)

Response to Missing Parts/ Incomplete Application

Basic Filing Fee

Declaration/POA

Response to Missing Parts under 37 CFR 1.52 or 1.53

Drawing(s)

Licensing-related Papers

Petition

Petition to Convert a Provisional Application

Power of Attorney, Revocation Change of Correspondence Address

Terminal Disclaimer

Request for Refund

CD, Number of CD(s)

After Allowance Communication to Group

Appeal Communication to Board of Appeals and Interferences

Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)

Proprietary Information

Status Letter

Other Enclosure(s) (please identify below):

Postcard

Remarks

### SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name

George W Hoover II, Reg. No. 32,992

BLAKELEY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Signature

Date

September 27, 2004

### CERTIFICATE OF MAILING/TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Typed or printed name

Kelly Walsh

Signature

Date

September 27, 2004



# Fee Transmittal for FY 2004

Effective 10/01/2004. Patent fees are subject to annual revision.

Applicant claims small entity status. See 37 CFR 1.27.

**TOTAL AMOUNT OF PAYMENT**      (\$ )      475.00

## Complete if Known

|                      |                 |
|----------------------|-----------------|
| Application Number   | 09/972,407      |
| Filing Date          | October 5, 2001 |
| First Named Inventor | Shawn X. Gao    |
| Examiner Name        | Lee, Ping       |
| Art Unit             | 2644            |
| Attorney Docket No.  | 37422P012       |

## METHOD OF PAYMENT (check all that apply)

Check     Credit card     Money Order     Other     None

Deposit Account

Deposit Account Number **02-2666**

Deposit Account Name **Blakely, Sokoloff, Taylor & Zafman LLP**

The Commissioner is authorized to: (check all that apply)

- Charge fee(s) indicated below     Credit any overpayments  
 Charge any additional fee(s) or underpayment of fees as required under 37 CFR §§ 1.16, 1.17, 1.18 and 1.20.  
 Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account

## FEE CALCULATION

### 1. BASIC FILING FEE

| Large Entity        |          | Small Entity |          | FeePaid                |
|---------------------|----------|--------------|----------|------------------------|
| Fee Code            | Fee (\$) | Fee Code     | Fee (\$) |                        |
| 1001                | 770      | 2001         | 385      | Utility filing fee     |
| 1002                | 340      | 2002         | 170      | Design filing fee      |
| 1003                | 530      | 2003         | 265      | Plant filing fee       |
| 1004                | 770      | 2004         | 385      | Reissue filing fee     |
| 1005                | 160      | 2005         | 80       | Provisional filing fee |
| <b>SUBTOTAL (1)</b> |          | (\$)         |          |                        |

### 2. EXTRA CLAIM FEES

| Total Claims       | 16 | 20* | = | 0 | X | 9.00  | = | \$0.00 | FeePaid |
|--------------------|----|-----|---|---|---|-------|---|--------|---------|
| Independent Claims | 1  | 3** | = | 0 | X | 43.00 | = | \$0.00 |         |
| Multiple Dependent |    |     |   |   |   |       |   |        |         |

| Large Entity        |          | Small Entity |          | Fee Description   |      |
|---------------------|----------|--------------|----------|---|------|
| Fee Code            | Fee (\$) | Fee Code     | Fee (\$) |   |      |
| 1202                | 18       | 2202         | 9        | Claims in excess of 20                                    |      |
| 1201                | 85       | 2201         | 43       | Independent claims in excess of 3                         |      |
| 1203                | 290      | 2203         | 145      | Multiple Dependent claim, if not paid                     |      |
| 1204                | 85       | 2204         | 43       | **Reissue independent claims over original patent         |      |
| 1205                | 18       | 2205         | 9        | **Reissue claims in excess of 20 and over original patent |      |
| <b>SUBTOTAL (2)</b> |          | (\$)         |          |   | 0.00 |

\*or number previously paid, if greater. For Reissues, see below

## 3. ADDITIONAL FEES

| Large Entity              | Fee Code | Fee (\$) | Small Entity | Fee Code | Fee (\$) | Fee Description  | FeePaid |
|---------------------------|----------|----------|--------------|----------|----------|--|---------|
|                           | 1051     | 130      |              | 2051     | 65       | Surcharge - late filing fee or oath  |         |
|                           | 1052     | 50       |              | 2052     | 25       | Surcharge - late provisional filing fee or cover sheet                     |         |
|                           | 2053     | 130      |              | 2053     | 130      | Non-English specification  |         |
|                           | 1812     | 2,520    |              | 1812     | 2,520    | For filing a request for ex parte reexamination                            |         |
|                           | 1804     | 920 *    |              | 1804     | 920 *    | Requesting publication of SIR prior to Examiner action                     |         |
|                           | 1805     | 1,840 *  |              | 1805     | 1,840 *  | Requesting publication of SIR after Examiner action                        |         |
|                           | 1251     | 110      |              | 2251     | 55       | Extension for reply within first month                                     |         |
|                           | 1252     | 420      |              | 2252     | 210      | Extension for reply within second month                                    |         |
|                           | 1253     | 950      |              | 2253     | 475      | Extension for reply within third month                                     |         |
|                           | 1254     | 1,480    |              | 2254     | 740      | Extension for reply within fourth month                                    |         |
|                           | 1255     | 2,010    |              | 2255     | 1,005    | Extension for reply within fifth month                                     |         |
|                           | 1404     | 330      |              | 2401     | 165      | Notice of Appeal   |         |
|                           | 1402     | 330      |              | 2402     | 165      | Filing a brief in support of an appeal                                     |         |
|                           | 1403     | 290      |              | 2403     | 145      | Request for oral hearing   |         |
|                           | 1451     | 1,510    |              | 2451     | 1,510    | Petition to institute a public use proceeding                              |         |
|                           | 1452     | 110      |              | 2452     | 55       | Petition to revive - unavoidable   |         |
|                           | 1453     | 1,330    |              | 2453     | 665      | Petition to revive - unintentional   |         |
|                           | 1501     | 1,330    |              | 2501     | 665      | Utility issue fee (or reissue)   |         |
|                           | 1502     | 480      |              | 2502     | 240      | Design issue fee   |         |
|                           | 1503     | 640      |              | 2503     | 320      | Plant issue fee  |         |
|                           | 1460     | 130      |              | 2460     | 130      | Petitions to the Commissioner  |         |
|                           | 1807     | 50       |              | 1807     | 50       | Processing fee under 37 CFR 1.17(q)  |         |
|                           | 1806     | 180      |              | 1806     | 180      | Submission of Information Disclosure Stmt                                  |         |
|                           | 8021     | 40       |              | 8021     | 40       | Recording each patent assignment per property (times number of properties) |         |
|                           | 1809     | 770      |              | 1809     | 385      | Filing a submission after final rejection (37 CFR § 1.129(a))              |         |
|                           | 1810     | 770      |              | 2810     | 385      | For each additional invention to be examined (37 CFR § 1.129(b))           |         |
|                           | 1801     | 770      |              | 2801     | 385      | Request for Continued Examination (RCE)                                    |         |
|                           | 1802     | 900      |              | 1802     | 900      | Request for expedited examination of a design application                  |         |
| Other fee (specify) _____ |          |          |              |          |          |  |         |

\* Reduced by Basic Filing Fee Paid

**SUBTOTAL (3)**      (\$ )      475.00

## SUBMITTED BY

Complete (if applicable)

|                   |                     |                                   |        |           |                |
|-------------------|---------------------|-----------------------------------|--------|-----------|----------------|
| Name (Print/Type) | George W. Hoover II | Registration No. (Attorney/Agent) | 32,992 | Telephone | (310) 207-3800 |
| Signature         |                     |                                   |        | Date      | 09/27/04       |